

## 21 C.J.S. Courts § 123

Corpus Juris Secundum | May 2023 Update

### Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

### III. Creation and Constitution; Officers of Courts

#### B. Nonjudicial Officers and Employees Generally; Interpreters

##### 1. General Considerations

##### § 123. Court attendants and assistants—Compensation

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  55, 58

**The compensation of court attendants is regulated by statute, by the court, or by other officials or bodies.**

The right to, and the amount of, compensation of court attendants and assistants may be fixed by statute,<sup>1</sup> or it may be determinable by the court in the exercise of its inherent<sup>2</sup> or statutory<sup>3</sup> jurisdiction, or by other public officers or bodies in the exercise of authority vested in them.<sup>4</sup>

A statute fixing the compensation of particular court attendants should be limited to such employees as are clearly included within its provisions.<sup>5</sup> Where the compensation is fixed by statute a court attendant, whether *de facto* or *de jure*, coming within its terms, is entitled to recover at least the minimum amount specified therein.<sup>6</sup> However, where the right to compensation is dependent on statute, an attendant is not entitled to receive compensation not provided for by the

statute or to receive more than the amount fixed or determined by the statute.<sup>7</sup> Services required of an attendant for which the attendant is not specifically paid must be considered compensated for by the payment received for other services.<sup>8</sup>

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

## Footnotes

1 Ga.—[MacNeill v. Steele](#), 186 Ga. 792, 199 S.E. 99 (1938).

Pa.—[Werkman v. Westmoreland County](#), 128 Pa. Super. 297, 194 A. 344 (1937).

2 Cal.—[Millholen v. Riley](#), 211 Cal. 29, 293 P. 69 (1930).

N.J.—[Matter of Court Reorganization Plan of Hudson County](#), 161 N.J. Super. 483, 391 A.2d 1255 (App. Div. 1978), judgment aff'd, [78 N.J. 498](#), 396 A.2d 1144 (1979).

3 Ohio—[State ex rel. Heeter v. Mullenhour](#), 51 Ohio St. 2d 145, 5 Ohio Op. 3d 117, 364 N.E.2d 1382 (1977).

4 N.Y.—[People ex rel. McDermott v. Board of Estimate and Apportionment of City of New York](#), 146 A.D. 515, 131 N.Y.S. 604 (2d Dep't 1911).

5 N.Y.—[Gannon v. McGoldrick](#), 169 Misc. 107, 7 N.Y.S.2d 11 (Sup 1938), order aff'd, [255 A.D. 755](#), 7 N.Y.S.2d 13 (1st Dep't 1938).

6 N.J.—[Hopkins v. City of Passaic](#), 10 N.J. Misc. 1261, 163 A. 238 (Sup. Ct. 1932).

7 Ala.—[Jefferson County v. Capanes](#), 235 Ala. 449, 179 So. 637 (1938).

**Services rendered after regular hours**  
A bailiff was not entitled to receive additional compensation from the court fund for services rendered after regular hours while in attendance upon a sequestered jury in a criminal case as there was no legislation authorizing such compensation.

Okla.—[Court Fund of Tulsa County v. Cook](#), 1976 OK 180, 557 P.2d 875 (Okla. 1976).

8 Ind.—[Board of Com'rs of Randolph County v. Board of Com'rs of Henry County](#), 27 Ind. App. 378, 61 N.E. 612 (1901).